

SENATE BILL 443

M2

2lr2857
CF 2lr1875

By: **Senator Colburn**

Introduced and read first time: February 2, 2012

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Public Shellfish Fishery Area – Standards**

3 FOR the purpose of requiring the Department of Natural Resources to establish areas
4 in the Chesapeake Bay as part of the public shellfish fishery area if the areas
5 have a certain density of oysters; and generally relating to standards for the
6 establishment of the public shellfish fishery area.

7 BY repealing and reenacting, without amendments,
8 Article – Natural Resources
9 Section 4–11A–01(l)
10 Annotated Code of Maryland
11 (2005 Replacement Volume and 2011 Supplement)

12 BY repealing and reenacting, with amendments,
13 Article – Natural Resources
14 Section 4–11A–04
15 Annotated Code of Maryland
16 (2005 Replacement Volume and 2011 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article – Natural Resources**

20 4–11A–01.

21 (l) “Public shellfish fishery area” means an area in which shellfish is
22 harvested for commercial purposes.

23 4–11A–04.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 (a) **(1)** In consultation with the Oyster Advisory Commission **AND**
2 **SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION**, the Department shall identify
3 by regulation the public shellfish fishery area in the Chesapeake Bay based on
4 commercial harvesting activity during the 3 years preceding June 1, 2009, any surveys
5 conducted by the Department, and other quantitative data known or made available to
6 the Department.

7 **(2) THE DEPARTMENT SHALL ESTABLISH AS PART OF THE**
8 **PUBLIC SHELLFISH FISHERY AREA ANY AREA WHERE A BIOLOGICAL SURVEY**
9 **SHOWS THAT THE DENSITY OF OYSTERS IS AT LEAST ONE OYSTER THAT**
10 **MEASURES 1 INCH OR MORE FROM HINGE TO BILL PER ACRE.**

11 (b) The public shellfish fishery area may not be leased for shellfish
12 aquaculture.

13 SECTION 2. **AND BE IT FURTHER ENACTED**, That this Act shall take effect
14 October 1, 2012.